



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision

Request for Variance

Mark and Sarah Cotrupi/Map 54, Lot 1

September 1, 2010

Applicant: Mark and Sarah Cotrupi
6133 J Road
Nebraska City, NE 68410

Location: 101 Sheridan Road, Moultonborough, NH (Tax Map 54, Lot 1)

On July 7, 2010 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Mark and Sarah Cotrupi (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III (I) to allow for construction of a new single family dwelling to be higher than the required thirty-two (32) foot height limit for the parcel located in the Agricultural Residential (AR) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 101 Sheridan Road (Tax Map 54, Lot 1).
- 2) The applicants are the owners of record for the lot.
- 3) The lot is located in the Agricultural Residential (AR) Zoning District.
- 4) The applicants are proposing construction of a new single-family dwelling unit.
- 5) The cupola in the roof line is architectural only and will not contain living space.
- 6) The proposed average height of the structure will be approximately thirty-seven and one-half (37'6") high.
- 7) The proposed maximum height of the structure shall be approximately forty-eight (48) feet.
- 8) One (1) member of the public spoke in favor of the Variance request.
- 9) No members of the public spoke against the Variance request.

- 10) Granting the Variance will not be contrary to the public interest as the use of the lot for residential use is in accordance with the permitted uses in the Agricultural Residential (AR) Zoning District.
- 11) Granting the Variance is consistent with the spirit of the Ordinance as the intent of the use in the zoning district is in conformance with the requirements of the Zoning Ordinance and the height impact will be relatively small at five and one-half (5'6") above the height limit.
- 12) By granting the Variance, substantial justice is done.
- 13) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of single-family homes of like construction and style.
- 14) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as there are special conditions of the property that distinguish it from other properties, such as steep slopes, and the property cannot be reasonably used in strict conformance with the ordinance.
- 15) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Heal, McCarthy), and one (1) opposed (Nolin) to continue the Public Hearing to July 21, 2010, and to direct the Town Planner to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the July 21, 2010 Regular Meeting.
- 16) The applicant submitted written requests that the ZBA continue their Public Hearing for July 21, 2010, August 4, 2010 and August 18, 2010 if there was not a full Board of five (5) members present.
- 17) The ZBA continued the Public Hearing to August 4, 2010, August 18, 2010 and September 1, 2010.

The Public Hearing was continued to July 21, 2010, August 4, 2010, August 18, 2010 and September 1, 2010. The Board of Adjustment closed the Public Hearing on September 1, 2010. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of four (4) in favor (Stephens, Heal, Hopkins, Roseberry), one (1) opposed (Nolin), to **GRANT** the request for variance.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____